



Dkt. 0687/74768-B-PCT-US/JPW/GJG/JRM

1635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wayne Graham et al.

Serial No. : 09/646,807 Examiner: Whiteman, Brian A.  
Filed : December 5, 2000 Art Unit: 1635  
For : CONTROL OF GENE EXPRESSION

1185 Avenue of the Americas  
New York, New York 10036  
March 24, 2008

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, applicants direct the Examiner's attention to the following reference which is listed on the Form PTO-1449 (Substitute) attached hereto as **Exhibit A**:

1. March 7, 2008 Communication To The Examiner, including March 7, 2008 Declaration of Michael Graham, Ph.D. in connection with Merged Reexamination Nos. 90/007,247 and 90/008,096, filed October 4, 2004 and May 18, 2006, respectively.

The Examiner is respectfully requested to make this reference of record in the present application by initialing and returning a copy of the enclosed substitute Form PTO-1449.

Applicants note that the reference disclosed herein was filed March 7, 2008 in connection with Merged Reexamination Nos. 90/007,247 and 90/008,096, filed October 4, 2004 and May 18,



Applicants : Michael Wayne Graham et al.  
Serial No. : 09/646,807  
Filed : December 5, 2000  
Page 2 of 3 of March 24, 2008 Supplemental Information Disclosure Statement

2006, respectively.

According to 37 C.F.R. § 1.97(c), an Information Disclosure Statement filed after the period specified in 37 C.F.R. § 1.97(b) shall be considered if accompanied by the fee set forth in 37 C.F.R. § 1.17(p) or a statement under 37 C.F.R. § 1.97(e). Applicants state that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the information disclosure statement.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.



Applicants : Michael Wayne Graham et al.  
Serial No. : 09/646,807  
Filed : December 5, 2000  
Page 3 of 3 of March 24, 2008 Supplemental Information Disclosure Statement

No fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any fee is required authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:	
Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
 3/24/08	
Gary J. Gershik Reg. No. 39,992	Date

# **Exhibit A**